



**BOARD OF BEHAVIORAL SCIENCES**  
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## **Meeting Minutes**

### **Policy and Advocacy Committee**

### **April 19, 2006**

Department of Consumer Affairs  
1625 N. Market Boulevard, Second Floor  
El Dorado Conference Room  
Sacramento, CA 95834

#### **Committee Members Present**

Ian Russ  
Peter Manoleas  
Karen Pines

#### **Staff Members Present**

Paul Riches  
Mona Maggio  
Christy Berger  
Christina Kitamura

#### **I. Introductions**

The meeting was called to order at approximately 10:30 a.m. Christina Kitamura called the roll and a quorum was established.

#### **II. Strategic Plan Goal #4 – Report on Progress**

Mr. Riches provided an update on the status of strategic plan objectives 4.1 - 4.3 as outlined in the meeting materials.

A number of questions were raised regarding implementation of stipend support for mental health students and loan forgiveness programs under the Mental Health Services Act (MHSA).

Dr. Russ recommended that Board staff review course requirements for licensure as a marriage and family therapist. Ms. Mary Riemersma, representing the California Association of Marriage and Family Therapists (CAMFT), stated that such a review is timely because curriculum and licensing requirements must change to adjust to changing times.

Ms. Pines recommended that Board staff attend meetings of the Mental Health Services Oversight and Accountability Commission to stay abreast of the implementation of the MHSA.

#### **III. Update and Possible Action Regarding Loan Repayment/Scholarship Program Implementation**

Mr. Riches provided an update on the board's efforts to stimulate implementation of the AB 938 loan repayment program. Board staff is working with the Health Professions Education Foundation (Foundation) staff on draft regulations required to implement the program.

Mr. Riches introduced Ms. Robyn Boyer who was recently appointed as executive officer at the Foundation. Ms. Boyer provided a brief overview of the Foundation's purpose and direction in supporting increased access to care in underserved communities. Ms. Boyer indicated that there was a significant delay in implementing the AB 938 program, but that it was a top priority for the Foundation.

Mr. Riches informed the committee that in the process of developing the draft regulations the Foundation's attorney identified a deficiency in the underlying statute that would prevent associate clinical social workers (associates) and marriage and family therapist interns (interns) from participating in the loan repayment program. Interns and associates are key populations in the effort to steer licensed professionals into public service and underserved communities and their exclusion from the program would not be consistent with its stated purpose. Board staff has developed proposed legislation that would remedy this problem and has agreement from Assemblyman Leland Yee (author of AB 938) to include the required language in legislation this year.

*Mr. Manoleas moved, and Ms. Pines seconded, that the committee recommend that the board sponsor legislation to allow interns and associates to participate in the AB 938 program. The committee approved the motion.*

#### **IV. Review and Possible Action on Pending Legislation and Update on Rulemaking Activity.**

Ms. Berger updated the committee on the pending reorganization of the statutes approved by the board at the February meeting. The language will be amended into Senate Bill 1475 (Figueroa) and is expected to be heard by the Senate Business and Professions Committee on April 24.

##### AB 525: Child Abuse Reporting.

Ms. Berger provided a summary of the bill. The bill adds child emotional abuse to the definition of "child abuse and neglect", and the bill also clarifies that reporting of child emotional abuse is not mandatory.

Ms. Riemersma stated that physical abuse, sexual abuse, and unjustifiable mental suffering are subject to mandatory reporting. However, emotional abuse is not well defined in current law and current law permits reporting but does not require it.

Dr. Russ clarified that although current law relating to emotional abuse is permissive, reporters who elect to report suspected emotional abuse are protected in the same manner as individuals making mandated reports of suspected abuse.

Mr. Janlee Wong, representing the National Association of Social Workers - California Chapter (NASW), voiced concerns about the ability of many mandated reporters to recognize potential "emotional abuse."

*Dr. Russ moved that the Board support AB 525. Ms. Pines seconded and the Committee concurred to support AB 525.*

##### AB 2003: Comprehensive Pupil Learning Support Program.

Ms. Berger provided a summary of the bill. The bill establishes a new program that includes using revenue derived from the MHSA to provide mental health services on school campuses.

Ms. Geri Esposito representing the California Society of Clinical Social Work, Mr. Wong and Ms. Riemersma all indicated their opposition to the bill based on the redirection of MHSA revenue. MHSA funding has specific purposes under the act and those purposes should be the sole use of the funding.

*Ms. Pines moved, and Mr. Manoleas seconded, that the Board take no position on Assembly Bill 2003. The committee approved the motion.*

#### AB 2257: Psychologists: Record Retention

Ms. Berger provided a summary of the bill. The bill specifies how long psychologists must retain patient records. Current law does not specify how long records must be retained by psychologists or licensees of the board. Staff recommended that the board not take a position on the bill.

Ms. Riemersma indicated that the retention period for therapy records for minors was impracticably long.

*Dr. Russ moved, and Mr. Manoleas seconded, that the committee recommend that the board take no position on AB 2257. The committee approved the motion.*

#### AB 2283: Physicians and Surgeons: Ethnicity and Language Proficiency

Ms. Berger provided a summary of the bill. The bill would require the Medical Board of California to disclose specified individual physician demographic information on its website.

*Dr. Russ moved, and Mr. Manoleas seconded, that the committee recommend that the board support AB 2283. The committee approved the motion.*

#### AB 2328: Agency Fiscal Reports

Ms. Berger provided a summary of the bill. The bill generally requires reporting specific fiscal and program information to the Legislature on an annual basis.

Mr. Riches explained that the Board already reports extensive oversight data through the sunset review process. The bill will require the expenditure of significant staff time. The bill is very similar to bills that were not successful in previous legislative sessions.

*Dr. Russ, and Ms. Pines seconded, that the committee recommend no position to the Board. The committee approved the motion.*

#### AB 2357: Outpatient Mental Health Treatment

Ms. Berger provided a summary of the bill. The bill eliminates the sunset provision in "Laura's Law" which allows for court ordered outpatient mental health treatment. Staff recommended taking no position on the bill.

Ms. Esposito, representing the California Society for Clinical Social Work, indicated that this law is quite controversial.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board take no position on AB 2357. The committee approved the motion.*

#### AB 2404: State Reports: Declarations

Ms. Berger provided a summary of the bill. The bill is a follow-up to 2005 legislation that would have required the reports to the Legislature be signed by the head of an agency under penalty of perjury. That bill was vetoed. This bill requires that reports to the Legislature be signed by the head of the agency including the notation that the report, to the best of his or her knowledge, is accurate and complete. Staff recommended taking no position on the bill.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board take no position on AB 2404. The committee approved the motion.*

#### AB 2420: Collection on Demographic Data

Ms. Berger provided a summary of the bill. The bill would require state agencies collecting demographic information to include specified categories of ancestry in those surveys.

Mr. Riches indicated that staff is making no recommendation on the bill. It was presented to the committee for informational purposes.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board take no position on AB 2420. The committee approved the motion.*

#### AB 2428: Public Meetings

Ms. Berger provided a summary of the bill. The bill would permit state agencies to require that members of the public disclose specified information as a condition of participating in public meetings of that agency.

Mr. Riches recommended that the board oppose the bill. A primary function of the board is to provide a public forum for discussion of issues relevant to the board's jurisdiction and this bill is fundamentally contrary to that purpose.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board oppose AB 2428. The committee approved the motion.*

#### AB 3013: Medical Information: Disclosures

Ms. Berger provided a summary of the bill. The bill would prevent psychotherapists from disclosing general mental health information regarding a patient.

Ms. Riemersma indicated that the bill was amended in committee to parallel provisions in the Health Insurance Portability and Accountability Act.

*Ms. Pines moved, and Mr. Manoleas seconded, that the committee recommend that the board support AB 3013. The committee approved the motion.*

#### SB 1228: Covenant Marriage

Ms. Berger provided a summary of the bill. The bill establishes a new type of marriage that requires counseling prior to marriage and prior to a divorce.

Mr. Riches stated that the bill specifies who is permitted to provide the required counseling and that some of the categories were unclear and therefore problematic.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board oppose SB 1228. The committee approved the motion.*

#### SB 1615: State Agencies: Collection of Data: Ancestry or Ethnic Origin

Ms. Berger provided a summary of the bill. The bill would require state agencies collecting demographic information to comply with federal standards for collecting that information.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board take no position on SB 1615. The committee approved the motion.*

#### **V. Review of Comments Submitted on Proposed Changes to Title 16, Section 1803.**

Mr. Riches provided a brief overview of the proposed regulation and indicated that a letter from CAMFT articulating objections to the proposed regulation was included in the meeting materials as was a response from the board's counsel. The proposed regulation would delegate the authority to issue a petition to compel a physical or mental health evaluation of a board licensee to the executive officer. Mr. Riches recommended that the language of the proposed regulation be altered to more closely parallel the language in Section 820 of the Business and Professions Code in response to written comments submitted by CAMFT.

Ms. Riemersma reiterated CAMFT's objections to the proposed regulation as provided in their written comments.

Ms. Esposito and Mr. Wong stated their objections to the proposed regulation because the judgment should be made by a clinician.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board amend and adopt the proposed regulation to parallel Business and Professions Code 820. The committee approved the motion.*

#### **VI. Review and Possible Action Regarding Statutes and Regulations for Out-of-State Applicants for Clinical Social Work Licensure.**

Mr. Riches described a staff recommended proposal to allow individuals licensed as clinical social workers in other states for at least four years to immediately qualify for the California licensure exams. The proposal would require those candidates to complete the required education courses specified in California law and have a clean disciplinary record in any state in which they have been licensed. The proposal would also allow individuals licensed in other states for less than four years to credit a portion of their professional practice towards the 3200 hours of supervised experience required to qualify for the California licensure exams.

Mr. Riches indicated that the board has received a number of complaints regarding the current requirements for out-of-state licensees to become licensed in California (including a letter from a candidate included in the committee meeting materials). In response to this input, staff reviewed the current requirements and developed this proposal. Staff believed that it was reasonable to allow the substitution of licensed practice experience for supervised experience as an associate clinical social worker in qualifying for the licensure examinations. The proposal still requires passage of both the standard written and the clinical vignette examinations before granting a license.

Mr. Janlee Wong indicated support for the proposal. Mr. Wong indicated that it could help address the ongoing shortage of social workers in California.

Ms. Esposito indicated her support for the proposal. Ms. Esposito indicated that it reduced the barriers to entry in California while preserving the requirement to pass the California licensure examinations.

*Ms. Pines moved, and Dr. Russ seconded, to recommend that the Board sponsor legislation consistent with the staff proposal. The committee approved the motion.*

## **VII. Review and Possible Action on Public Disclosure and Complaint Disclosure Policies.**

Mr. Riches provided the committee with a summary of recent activity regarding the disclosure of public records including Executive Order S-03-06. The Executive Order requires each agency to review, and revise as necessary, policies relating to the disclosure of public records. A review of the board's current policies revealed two issues that staff recommends be addressed by the committee. The first is a five year limitation on the disclosure of citations issued by the board. The second is the omission of settlements and arbitrations exceeding \$10,000 that are required to be reported to the board by licensees and insurers.

Ms. Barbara Murphy, a member of the public, addressed the Committee and requested that the board's Public Disclosure Policy be altered to require reporting of settlements and arbitrations and suggested that the dollar thresholds for reporting be lowered.

Ms. Riemersma questioned why the five year limitation on the disclosure of citations was problematic. Mr. Riches indicated that the California Public Records Act presumes that all government documents are available to the public unless they fall into specific exempt categories and the citations are not included in existing exemptions.

Dr. Russ suggested that Board staff investigate the issues raised by Ms. Murphy including practices by other boards and to explore methods to increase compliance with existing reporting requirements.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the board amend its public disclosure policy consistent with the staff proposal. The committee approved the motion.*

## **VIII. Review and Possible Action Regarding Regulations Governing Pre-License Supervision Requirements.**

Mr. Riches indicated that this item was carried over from the previous committee meeting. In 2003 the board had directed staff to revise the regulations governing supervisor qualifications. This proposal was delayed by the rulemaking moratorium put in place when Governor Schwarzenegger assumed office. Staff brought the proposal back to the committee for discussion in January. Based on the discussions in January staff revised the proposed language and is requesting that the committee recommend that the board pursue the rulemaking.

The staff proposal allows supervisors to count time spent supervising towards the requirement for having practiced psychotherapy and eliminates the requirement that individuals supervising marriage and family therapy interns have had five hours of patient contact per week.

*Dr. Russ moved, and Ms. Pines seconded, that the committee recommend that the Board pursue a rulemaking consistent with the staff proposal. The committee approved the motion.*

**IX. Review and Possible Action Regarding Amendments to Sections 1833.1 and 1870 Regarding Supervisor Qualifications.**

Item IX was a duplicate of Item VIII and no discussion occurred.

At 2:15 p.m., Ms. Pines left the meeting.

**X. Review and Possible Action Regarding Recognition of Specialization in Dual Diagnoses by BBS Licensees and Certified Drug Abuse Counselors.**

Noting the absence of a quorum, Mr. Riches and Mr. Manoleas provided a history of the discussions with the Department of Alcohol and Drug Programs that lead to the development of this concept. Dr. Russ and Mr. Manoleas discussed the possibility, in concept, of establishing a title protection law for board licensees and certified drug abuse counselors with additional training in dual diagnosis situations.

Ms. Riemersma, Ms. Esposito and Mr. Wong registered significant concerns with the concept.

**XI. Suggestions for Future Agenda Items.**

There were no suggestions for future agenda items.

The meeting adjourned at approximately 2:50 p.m.